

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re FRANK VAUGHN,

Case No. [15-cv-05999-YGR](#) (PR)

**ORDER DISMISSING ACTION AS  
OPENED IN ERROR**

This action was opened on December 23, 2015 when the Court received from Plaintiff Frank Vaughn a letter addressed to the “U.S. District Courthouse” in San Francisco, inquiring about the “double cell housing policy” of the California Department of Corrections and Rehabilitation. Dkt. 1 at 1. The Clerk of the Court opened a case file, and sent out a notice that Plaintiff had not filed a complaint, and cautioned that the action would be dismissed if he did not submit a complaint within twenty-eight days. The Clerk also sent out a notice that the action was deficient due to the failure to pay the filing fee or furnish a completed and signed Court-approved *in forma pauperis* application, and cautioned that the action would be dismissed if he did not pay the fee or file the application materials within twenty-eight days.

On January 21, 2016, Plaintiff filed a letter requesting that the Clerk “hold [his] case” because he was “still trying to exhaust all [his] remedies with [his] 602 appeal.” Dkt. 5 at 1. The Court construes his letter as a notice that he did not intend to commence a new action at this time because he has not yet exhausted his administrative remedies.

In light of Plaintiff’s aforementioned explanation in his January 21, 2016 letter, this action is DISMISSED because it was opened in error. No filing fee is due. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: February 2, 2016



YVONNE GONZALEZ ROGERS  
United States District Judge